

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015110249

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On February 2, 2016, District made an oral request to continue the dates in this matter with the Office of Administrative Hearings, based upon prehearing discussions with ALJ Judith Pasewark, and a private discussion with Student's parents prior to the commencement of the hearing. The parties reached a settlement of the issues and remedies requested in this matter, however, they were not able to prepare a written document at time of hearing. Parents did not wish to continue the matter for hearing on the grounds that there is an agreement in principle which negates the need for hearing. In an abundance of caution, however, the ALJ grants District's request to continue.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020). Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted.

The hearing dates for February 2, and 3, 2016, are vacated. This matter will be set as follows:

Prehearing Conference: March 18, 2016 at 1:00 PM. OAH shall initiate a telephonic prehearing conference. The parties are requested to provide OAH with a telephone number at which they may be reached to participate in the prehearing conference.

Due Process Hearing: March 22 and 23, 2016 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing “good cause” to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: February 3, 2016

_____/s/
JUDITH PASEWARK
Administrative Law Judge
Office of Administrative Hearings